

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WALDEMAR PYC,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:08CV00057 JCH
)	
GENIE INDUSTRIES, INC.,)	
RSC EQUIPMENT RENTAL, INC.,)	
)	
Defendants/Third-Party Plaintiffs.)	
)	
vs.)	
)	
RADIOSLAW PYC,)	
)	
Third-Party Defendant and)	
Third-Party Plaintiff)	
)	
vs.)	
)	
GENIE INDUSTRIES, INC., et al.,)	
)	
Third-Party Defendants.)	
)	

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File First Amended Complaint to Add Non-Diverse Defendants (Doc. No. 76) and the Second Joint Motion for Enlargement of Scheduling Order (Doc. No. 78).

On May 5, 2009, this Court struck Plaintiff's Amended Complaint. Plaintiff again seeks leave to file a First Amended Complaint to add non-diverse defendants. The Court finds that Plaintiff's Motion to file a First Amended Complaint is dilatory and allowing a First Amended Complaint would be prejudicial to the Defendants.

Upon consideration of the parties' briefing, the Court denies Plaintiff's Motion for Leave to File First Amended Complaint to Add Non-Diverse Defendants (Doc. No. 76). Additionally, this Court grants the Second Joint Motion for Enlargement of Scheduling Order (Doc. No. 78).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File First Amended Complaint to Add Non-Diverse Defendants (Doc. No. 76) is **DENIED**.

IT IS HEREBY FURTHER ORDERED that the Second Joint Motion for Enlargement of Scheduling Order (Doc. No. 78) is **GRANTED**.

IT IS HEREBY FURTHER ORDERED that Defendants shall make expert witnesses available for deposition and have depositions completed no later than **August 3, 2009**.

IT IS HEREBY FURTHER ORDERED that the parties shall complete all discovery in this matter no later than **August 3, 2009**.

IT IS HEREBY FURTHER ORDERED that any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, or, if applicable, any motion to exclude testimony pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) or Kuhmo Tire Co. Ltd. v. Carmichael, 526 U.S. 137 (1999), must be filed no later than **August 7, 2009**. Any response shall be filed no later than **September 8, 2009**. Any reply shall be filed no later than **September 19, 2009**.

IT IS FURTHER ORDERED that all other deadlines and the trial date from this Court's Case Management Order (Doc. No. 30) shall remain in effect.

Dated this 20th day of July, 2009.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE